

# NOTICE OF TYPE III DEVELOPMENT REVIEW APPLICATION AND PUBLIC HEARING

(Form DS1308)



The Department of Community Development has received an application for development review, as described below. This application is subject to public notice and public hearing pursuant to Clark County Code (CCC) Section 40.510.030 and applicable code sections as listed below.

The Clark County Hearings Examiner will conduct the public hearing on **Tuesday December 28, 2004 at 7:00 P.M.**, at **Public Service Center, 1300 Franklin St., Vancouver, Washington, Sixth Floor Suite 680** (see attached map). Parking is available in the parking garage on the north side of the Public Service Center (access off Franklin St.) after 6pm.

At the hearing, the Examiner will consider the following:

- Project Name:** **162<sup>nd</sup> & WARD ROAD RETAIL**
- Case Number:** **CUP2004-00007; PSR2004-00055; SEP2004-00149; MZR2004-00197; EVR2004-00076**
- Location:** SE corner of NE 162<sup>nd</sup> Avenue and Ward Road
- Request:** The applicant is requesting conditional use, site plan and planning director review and approval for the construction of a retail shopping center in 2 phases. Phase I will consist of a 40,570 square foot of retail shop, branch bank with drive through window, a fuel center and a drug store with a drive through window. Phase II will consist of a 66,453 square foot of anchor grocery store and retail shop. The property is approximately 11.079 acres in area and is zoned Community Commercial (C-3).
- Applicant:** Gramor Development, Inc.  
Attn: David Copenhaver  
19767 SW 72<sup>nd</sup> Avenue  
Tualatin, OR 97062  
(503) 245-1976; (503) 654-9188 FAX  
E-mail: [david@gramor.com](mailto:david@gramor.com)
- Contact Person:** Same as applicant

**Property Owner:** Hans & Sharon Barth      Germann Childrens Ltd. Partnership  
8715 NE Ward Road      PO Box 25  
Vancouver, WA 98682      Battle Ground, WA 98604

**Hearing Examiner:** Richard Forester

**Staff Contact:** Michael Uduk ext. 4385

**Neighborhood**

**Contact:** Heritage Neighborhood Association  
Kathy Murphy, President  
7517 NE 154 Avenue  
Vancouver, WA 98682  
(360) 882-4784  
E-mail: [Kathy@POVA.com](mailto:Kathy@POVA.com)

**Date this Public Notices Issued:** November 4, 2004

**Legal Description of Property:**

Lots 2/1 (104130), 1/2 (104143), and 1/1 (104142)., located in the SE ¼ of Section 1, Township 2 North, Range 2 East of the Willamette Meridian.

**Approval Standards/Applicable Law:**

Clark County Code Chapter 40.350 (Transportation), Section 40.350.020 (Transportation Concurrency), 40.380 (Storm Water Drainage and Erosion Control), 15.12 (Fire Code), 40.570 (SEPA), 40.230 (Community Commercial, C-3), 40.520.030 (Conditional Use Permit), 40.520.040 (Site Plan Review), 40.520.020 (Review and Approval), 40.320 (Landscaping and Screening), 40.320.020 (Landscaping in Public Right-of-Way), 40.330.010 (Crime Prevention and Safety), 40.340 (Parking, Loading and Circulation), 40.360 (Solid Waste and Recycling), 40.370.020 (Water Supply), 40.370.010 (Sewer Connection)

**Application & Fully Complete Date:**

Application Filed: September 10, 2004  
Fully Complete: October 12, 2004

**SEPA Appeal Process:**

In accordance with the State Environmental Policy Act (SEPA) and Clark County Code 20.50.030, the County must determine if there are significant environmental impacts associated with this request. The County will review the applicant's submitted SEPA checklist and make a determination in the combined Development Review Staff Report and SEPA Checklist Review to be issued at least fifteen (15) calendar days prior to the hearing.

A Determination of Non-significance (DNS) indicates that identified impacts can be adequately addressed with the application of existing County Codes and development standards. A Mitigated Determination of Non-significance (MDNS) indicates that identified impacts can be adequately addressed with conditions of approval.

Procedural or substantive appeals of a Determination of Non-Significance (DNS) or a Mitigated determination of Non-Significance (MDNS) must be filed in writing with the County within fourteen (14) calendar days of the date the SEPA Determination is issued. There is no SEPA appeal fee for Type III reviews. SEPA appeals will be considered by the Hearings Examiner at the scheduled public hearing noted above, and decided in the subsequent written decision.

*Issues of compliance with existing adopted approval standards and criteria can be addressed in the public hearing without an appeal of the SEPA determination.*

### **Staff Report Timelines/Process:**

Staff reports, agendas, and/or SEPA reviews and determinations will be available for review at least fifteen (15) calendar days before the hearing date. Information regarding this application may be obtained by contacting **Michael Uduk at (360) 397-2375, Ext. 4385** at the Clark County Development Services Division, 1300 Franklin Street, Vancouver, Washington. Office hours are from 8:00-5:00 p.m., Monday - Friday. Comments received by November 18, 2004 will be considered in the Staff Report.

### **Public Testimony Process:**

Any person wishing to present testimony should arrive by **7:00 p.m.** at the Public Service Center, 6<sup>th</sup> floor, 1300 Franklin Street, Vancouver, Washington.

### **Faxed & Written Testimony**

Testimony can be faxed to the Development Services Division at (360) 397-2011, Attn: **Rosie Hsiao**. Written testimony can be mailed or hand delivered to the Development Services Division, Clark County Community Development, 1300 Franklin Street, PO Box 9810 Vancouver, WA 98666-9810.

Faxed, mailed or delivered testimony must be received at the Community Development Customer Service Center by **1:00 P.M., the day of the hearing**. Other written or verbal testimony may be presented and considered at the public hearing. Comments received by two week after the notice will be considered in the Staff Report.

Note: If an accurate mailing address for those submitting comment is not included, they will not qualify as a "Party of Record" and, therefore, will not have standing to appeal the decision.

### **Appeal Process:**

The Hearing Examiner normally issues a decision within two weeks of the public hearing. In accordance with Clark County Code 40.510.030(H), appeals of Hearing Examiner decisions must be filed with the Board of County Commissioners within fourteen (14) days of the mailing of the Hearing Examiner's written decision. Hearings

Examiner decisions on any SEPA appeal cannot be further appealed to the Board of County Commissioners. Such appeals must pursue judicial review.

Appeals must be in writing and contain a brief statement describing why the Hearing Examiner's decision is in error. The appeal must be accompanied by check in the amount of **\$279**. Checks shall be made payable to the Board of County Commissioners.

**Accommodation of Physical Impairments:**

The Customer Service Center is wheelchair accessible. For persons requiring auxiliary aids or special arrangements in order to participate in this hearing, please contact the Development Services Division as far in advance of the hearing date as possible. To request these arrangements, please contact **Rosie Hsiao** at (360) 397-2375, Ext. 4335, or call the Telecommunications Device for the Deaf (TDD) line at (360) 397-6057.

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA. 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011  
Web Page at: <http://www.clark.wa.gov>**